UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1996/NGO/69
27 March 1996

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-second session
Item 10 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[24 March 1996]

1. The International Federation of Human Rights (IFHR) and its affiliate the Egyptian Organization for Human Rights (EOHR) wish to draw to the attention of the fifty-second session of the Commission on Human Rights the situation of human rights in Egypt.

2. This situation, increasingly, is giving concern to national and international human rights observers. Increasing violations of human rights in Egypt by governmental authorities, on the one hand, and the violence adopted by the fundamentalist armed groups of the political Islamic trend on the other hand, are the cause for such concern.

3. Although the Egyptian Constitution affirms several rights and guarantees internationally recognized human rights, it almost always leaves the implementation of such rights to national laws, which hinders their application. Moreover, the state of emergency law in Egypt during the past 15 years has become the "real constitution" by which the country is governed, given the mandatory powers it grants the executive authority to restrict freedoms of individuals, such as the freedom of association, movement and residence, as well as permitting arbitrary arrests and detention.

4. The following specific topics give rise to concern.

1. Violation of the right to a fair trial

5. The Government of Egypt continues to refer civilians to military courts and to deprive them of their right to be tried before civilian judges. This has gone hand in hand with an unprecedented number of death sentences: 70, of which 48 have been executed since 1992. Other sentences of imprisonment and life sentences to hard labour have been passed on 400 persons, of whom 192 have been acquitted. However, those acquitted were never released, but remain in detention by virtue of administrative detention orders. The referring of civilians to military courts has been accompanied by a lack of basic guarantees of a the right to a fair trial, principally the right to a defence lawyer; to cross-examine witnesses; and the right to appeal before a higher court. 1/

2. Violation of the right to liberty and physical security

6. The human rights situation in Egypt during the past five years has been compromised by a continuing governmental violation of the right to liberty and physical security, particularly in the context of the confrontation between the armed Islamic groups and the Government. These rights continue to be violated by illegal detention for lengthy periods, recurrent detention and arbitrary detention. Other violations include the arrest of family members of those wanted by the authorities as hostages to force the fugitives to give themselves up. In addition, illegal detention continues even after the sentence has been served, or after a final judicial decision has been taken to release or acquit the individual concerned.

7. In January 1996, 2/ the number of detainees in Egyptian prisons was 16,708. These people are detained to date in violation of the Egyptian Constitution and the International Covenant on Civil and Political Rights. In its report, EOHR states that recurrent detention has become a prelude to practising torture, as well as other humiliating and degrading treatment. Testimonies and reports received by EOHR affirm that 350 individuals (90 per cent of the total) have been tortured and ill-treated during periods of detention in Central Security Forces camps and in the State Security Investigation Department offices, or during collective punishment in Egyptian prisons.

8. Detainees also suffer because their families or lawyers are prevented from visiting them, and from a lack of adequate medical care. For example, 20 prisoners have died in Wadel-Natroun, El-Wadi El Gedeed, Abu-Za'abal and Isteqbal Tora prisons.

3. Violations of freedom of opinion and expression

9. The right to freedom of opinion and expression in Egypt is going through a crisis after the passage of Law 93/1995, known as "the Press Law". This law has been objected to by the Journalists Union and journalists, even those working for pro-government newspapers. The law increases the penalties for journalists accused of publishing-related offences. Moreover, the new law not only penalizes publishing incorrect information, but also correct information

if it is deemed to be "provocative". This could lead to investigations of publications becoming like the Inquisition and examining people's intentions. Furthermore, the law punishes all publication of information that the authorities do not favour, including reports and statements of human rights organizations concerning violations of human rights in Egypt.

10. The total number of journalists referred to courts since this law was passed on 27 May 1995, has been 38. Seven of them have been convicted and sentenced to varying sentences, ranging from fines to two years' imprisonment.

4. Deterioration of prison conditions in Egypt

11. Prisoners and detainees in Egyptian prisons suffer from various violations practised by prison officials. In addition to the overcrowding of detainees (16,807) the living and health conditions are generally in violation of the Constitution, the law and the United Nations Standard Minimum Rules for the Treatment of Prisoners. The authorities practise torture against those prisoners and detainees who are members of the political Islamic trend. The main reason, perhaps, is the lack of supervision of these prisons by the Ministry of the Interior, which is responsible for them.

12. EOHR has recently monitored the use of a new way of punishing prisoners and detainees, known as "alienation". "Alienation" is a form of punishment used against prisoners by holding them in prisons situated far from their places of residence, such as El-Wadi El Gedeed and Wadel-Natroun prisons (in which torture is a routine practice). Prisoners are not permitted to receive visits from their families or lawyers, and their other rights are also violated. It is noteworthy that Egyptian Law 396/1956 on prisons permits flogging as a disciplinary punishment, in violation of international conventions that forbid physical punishment of prisoners. The most shocking form of torture monitored by EOHR 3/ is "the reception party". During these "parties", detainees are forced to take off their clothes and crawl on the ground naked while soldiers beat them with canes and leather belts on their backs. Many are seriously injured. This practice is carried out at Wadel-Natroun and El-Wadi El Gedeed prisons on receiving detainees.

5. Restrictions on the human rights movement in Egypt

13. Law 32/1964, known as the "Associations Law", forms a major obstacle to establishing human rights organizations in Egypt. For instance, EOHR is still struggling to be officially recognized by the Government. This law grants the Government the right to dissolve the institution concerned at any time without giving reasons. The Government has already dissolved the Arab Women's Solidarity Association in Egypt on the ground that it practises "anti-religious activity". But this association, led by Dr. Nawal Es-Saadawi, was mainly concerned with women's issues.

14. Unexpectedly, the Government decided to refer the EOHR case to the Supreme Administrative Court during an intensive media campaign which accused EOHR of harming Egypt's interests because of the reports it issues. The legislative department of the Ministry of Justice has also issued (on 22 January 1995) a decision stipulating that organizations registered as civil companies for public interest purposes must be subject to the

Associations Law. This decision, issued at the Government's request, aims at demolishing the independence of these organizations, and controlling their civil activities. In addition, the extensive mandatory powers granted to the Ministry of Social Affairs by this law, enabling it to disband the boards of directors of these institutions, should be noted.

15. IFHR, and its affiliate EOHR, express their grave concern at the situation of human rights in Egypt and call on the Government of Egypt to harmonize its laws and practice with the international standards to which it has committed itself. In particular, the Government should dissolve the system of military courts and restore, in full, the civil administration of justice. Finally, IFHR and its affiliate EOHR, call on the Government to repeal Law 32/1964 (the Associations Law) and permit all organs of civil society to exist freely.

Notes

1/ Please see the EOHR report entitled "Military trials", June 1995.

2/ "Prisoners without trials", EOHR, January 1996.

3/ "Alienation", EOHR, 12 September 1995.